

ENTERED

September 26, 2024

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

LISA RENAE YBARRA,

§

Plaintiff,

§

v.

§

MARTIN O'MALLEY,

§

Defendant.

§

CIVIL ACTION NO. 4:24-cv-1558

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MEMORANDUM AND RECOMMENDATION

Plaintiff Lisa Renae Ybarra (“Plaintiff”) filed this lawsuit against Defendant Martin O’Malley (“Commissioner”) seeking review of the denial of benefits under Title II of the Social Security Act. (ECF No. 1). Pending before the Court¹ is Plaintiff’s Unopposed² Motion to Remand. (ECF No. 12). Plaintiff requests the Court enter an order and judgment reversing the decision of the Administrative Law Judge and remanding the matter for further administrative proceedings, pursuant to sentence four of 42 U.S.C. § 405(g). (*Id.* at 3). Having reviewed the motion and relevant law, the Court **RECOMMENDS** Plaintiff’s Motion to Remand (ECF No. 12) be **GRANTED**.

¹ On June 14, 2024, this case was referred to the Undersigned for all purposes pursuant to 28 U.S.C. § 636(b)(1)(A) and (B) and Federal Rule of Civil Procedure 72. (ECF No. 8).

² While Commissioner originally opposed Plaintiff’s Motion to Remand (ECF No. 12 at 4), Commissioner is now unopposed (ECF No. 13).

The Court **FURTHER RECOMMENDS** the case be remanded to the Commissioner for further administrative proceedings.

The Clerk shall send copies of this Memorandum and Recommendation to the respective parties who have fourteen days from the receipt thereof to file written objections thereto pursuant to Federal Rule of Civil Procedure 72(b) and General Order 2002-13. Failure to file written objections within the time period mentioned shall bar an aggrieved party from attacking the factual findings and legal conclusions on appeal.

SIGNED in Houston, Texas on September 26, 2024.



Richard W. Bennett
United States Magistrate Judge